

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROBERT A. EGERTON,

Plaintiff,

v.

Civ. No. 21-0859 KG-LF

MTC, *et al*,

Defendants.

ORDER OF VOLUNTARY DISMISSAL

This matter comes before the Court on Plaintiff's Motion to Dismiss. (Doc. 5). Plaintiff asks to dismiss his Prisoner Civil Rights Complaint with prejudice. Fed. R. Civ. P. 41 permits plaintiffs to dismiss an action "before the opposing party serves either an answer or a motion for summary judgment." Rule 41(a)(1)(A)(i). *See also Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (The rule grants "an absolute right to dismiss"). This case is still in the screening phase, and Defendants have not filed any responsive pleading. Hence, the Court will grant the Motion.

IT IS ORDERED:

1. Plaintiff's Motion to Dismiss (Doc. 5) is granted.
2. Plaintiff's Prisoner Civil Rights Complaint (Doc. 1) is dismissed with prejudice.
3. The Court will enter a judgment closing the civil case.


UNITED STATES DISTRICT JUDGE